

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD JAMES BRUCE HATTON,
SR,

Plaintiff,

v.

NEVADA COUNTY BEHAVIORAL
HEALTH,

Defendant.

No. 2:23-cv-01970-WBS-KJN (PS)

ORDER

On February 6, 2024, the magistrate judge filed findings and recommendations (ECF No. 5), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. No objections were filed by the deadline, and so the court is entitled to presume that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983).

However, plaintiff did file a document regarding a magistrate consent form, which the court construes broadly as late objections. (ECF No. 6.) Plaintiff was warned that failure to file objections by the deadline could waive the right to have such objections heard. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir.

1991).

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the findings and recommendations in full. The court also considers plaintiff's last filing as objections to the findings and recommendations and reviews de novo those portions of the proposed findings of fact to which such objections are made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981); see also Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009).

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (ECF No. 5) are ADOPTED IN FULL;
2. The action is DISMISSED WITH PREJUDICE;
3. Plaintiff's motion to proceed in forma pauperis (ECF No. 2) is DENIED AS MOOT;
4. The Clerk of Court is directed to CLOSE this case.

Dated: February 29, 2024



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE